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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 EDWAN S. THURMOND,

9 Plaintiff,

10 vs.

11 WELL'S FARGO BANK, N.A.,

12 Defendant.

13 Case No. 2:24-cv-00252-APG-DJA

14 **STIPULATION TO SUBSTITUTE
 TROY S. FOX, CHAPTER 7 TRUSTEE FOR
 BANKRUPTCY ESTATE OF EDWAN S.
 THURMOND, AS REAL PARTY IN
 INTEREST TO PURSUE CLAIMS OF
 EDWAN S. THURMOND,
 AND ORDER**

15 Hearing Date: N/A

Hearing Time: N/A

16 TROY S. FOX, in his capacity as Chapter 7 Trustee for the bankruptcy estate of EDWAN
 17 SHANDO THURMOND, by and through his undersigned counsel, and defendant WELL'S
 18 FARGO BANK, N.A. ("Wells Fargo"), by and through its undersigned counsel, (collectively the
 19 "Parties"), hereby submit this joint stipulated motion to substitute TROY S. FOX, CHAPTER 7
 20 TRUSTEE FOR EDWAN SHANDO THURMOND, as the real party in interest to pursue the
 21 claims of Edwan Shando Thurmond in this proceeding.

22 1. Plaintiff Edwan Shando Thurmond (the "Debtor") commenced this action by filing
 23 his initial Complaint [ECF No. 1]¹ on February 6, 2024.

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 28 ¹ All references to "ECF No." are to the numbers assigned to the documents filed in the case as they appear on the
 docket maintained by the clerk of the court.

1 2. Defendant Wells Fargo filed its Motion to Dismiss [ECF No. 25] on March 21,
 2 2024, which was granted by this Court on September 30, 2025, but the Debtor was given leave to
 3 file a new amended complaint [ECF No. 68].

4 3. The Debtor filed a second amended complaint on October 18, 2024 [ECF No. 73],
 5 and defendant Wells Fargo filed a corresponding Motion to Dismiss on November 1, 2024 [ECF
 6 No. 75]. The Debtor, in turn, filed a Motion to Strike [ECF No. 79].

7 4. On February 20, 2025, the hearings on Wells Fargo's second Motion to Dismiss,
 8 the Debtor's Motion to Strike, were set for March 4, 2025 [ECF No. 85], pursuant to a request for
 9 expedited consideration that was filed by the Debtor on February 11, 2025.

10 5. On February 27, 2025, the Debtor filed a Notice of Bankruptcy Filing [ECF No.
 11 87], indicating the Debtor filed for Chapter 7 relief in the United States Bankruptcy Court, District
 12 of Nevada, Case No. 25-10063-abl (the "Thurmond Bankruptcy Case") on February 5, 2025 (prior
 13 to the Debtor requesting expedited consideration on the motions pending before this Court).

14 6. On February 5, 2025, Chapter 7 Trustee Troy S. Fox (the "Chapter 7 Trustee") was
 15 appointed as the Chapter 7 Trustee for the Thurmond Bankruptcy Case.

16 7. Upon the filing of the Thurmond Bankruptcy Case, the claims asserted in this case
 17 became property of the bankruptcy estate.

18 8. Upon the filing of the Thurmond Bankruptcy Case and appointment of the Chapter
 19 7 Trustee, the Debtor's standing to pursue claims of the bankruptcy estate transferred exclusively
 20 to the Chapter 7 Trustee.

21 9. By order entered May 6, 2025, the Bankruptcy Court approved a settlement of the
 22 claims asserted in this case between the Chapter 7 Trustee as the real party in interest and Wells
 23 Fargo, which settlement includes the dismissal of this action with prejudice.

24 10. Given the foregoing, it is appropriate to substitute the Chapter 7 Trustee as the
 25 plaintiff and real party in interest pursuant to Fed.R.Civ.P. 25(c).

26 **THEREFORE**, the Parties hereby stipulate and agree the Chapter 7 Trustee shall be
 27 substituted as the plaintiff and the real party in interest to dismiss with prejudice the claims of
 28 Edwan Shando Thurman in this proceeding.

1 Dated this 28th of May, 2025,

Dated this 28th of May, 2025

3 /s/ Jason A. Imes

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 7 *Attorneys for Troy S. Fox, Chapter 7 Trustee
 for bankruptcy estate of Edwan S. Thurmond*

/s/ Michael Ayers

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 13 *Attorneys for Defendant
 14 WELL'S FARGO BANK, N.A.*

15 ORDER

16 Pursuant to the Stipulation of the Parties, and for good cause shown,

17 **IT IS HEREBY ORDERED** that the Stipulation is approved; and

18
 19 **IT IS FURTHER ORDERED** that Troy S. Fox, as Chapter 7 Trustee for the bankruptcy
 20 estate of Edwan Shando Thurmond, is hereby substituted as plaintiff in this action and the real party
 21 in interest to pursue the claims of Edwan Shando Thurmond in this proceeding.

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 23 **IT IS SO ORDERED.**



24
 25 **UNITED STATES DISTRICT JUDGE**

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 27 Dated: June 25, 2025